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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,272	04/21/2004	Toshiharu Nakajima	61355-057	5442
7590	01/10/2006		EXAMINER	
McDERMOTT, WILL & EMERY 600 13th Street, N.W. Washington, DC 20005-3096			TO, TUAN C	
			ART UNIT	PAPER NUMBER
			3663	
DATE MAILED: 01/10/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/828,272	NAKAJIMA, TOSHIHARU	
	Examiner Tuan C. To	Art Unit 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 August 2006 and 25 October 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 8 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

Applicant's election of Group I, claims 1-7, filed on 10/25/2005 is acknowledged.

Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-7 are rejected under 35 U.S.C. 102(a) as being anticipated by Ohishi et al. (US 20010053956A1).

With respect to claims 1 and 7, Ohishi et al. disclose a navigation system, comprising a storage device that stores user preference data classified by “recreation preferences”, “dining preferences”, and “relaxation preferences”. Thus, Ohishi et al. teaches the limitation: “an information storage device in which a plurality of different types of information to be provided to a user aboard a vehicle having an on-vehicle apparatus installed therein are stored”. The navigation system of Ohishi et al. further includes a voice recognition unit for recognizing predetermined words spoken by a user

(Ohishi et al, page 1, paragraph 0008). In figure 2, the spoken utterance recognition unit (61) is provided for identifying the voice of each user and the audio guidance edited for each user is provided to that user (page 3, paragraph 0050). Each user can have a conversation through an automatic response (Ohishi et al, page 4, paragraphs 0071-0076).

It should be noted that although Ohishi et al. do not mention about the telephone line, but the dialogue between the user and the audio guidance in the system of Ohishi et al. is inherently generated via a telephone line (Ohishi et al., page 2, paragraph 0023) since the audio signal is received from microphone (31), and then the audible response is generated and outputted via the speaker (16). Thus, Ohishi et al. disclose the limitation: "an interactive voice response device having a speech recognition function that provides audio guidance edited for each user and engages in a dialogue with the user through automatic voice response via a telephone line". Ohishi et al. further teaches that when the user's preferences has been identified by the said conversation, the suggestion processor (78) (Ohishi et al, figure 2, processor 78) obtains information from the storage devices (75, 76, and 77). In addition, the navigation system of Ohishi et al. includes a radio communication unit (21a) which is a transmission unit as claimed for the information to at least one of on-vehicle apparatuses. Therefore, the teachings of Ohishi et al. read on the limitation: "an information acquisition device configured to obtain information from the information storage device based upon the dialogue between the user and the interactive voice response device from the information

storage device, and an information transmission device that transmits the information obtained by the information acquisition device to the on-vehicle apparatus".

With regard to claim 2, as discussed above, the interactive voice response provided in the Ohishi et al. patent is edited based on information pre-registered by the user (page 3, paragraph 0050).

With regard to claim 3, in the patent, a user is provided the auto guidance with a specific preference according to the user's conversation. The user can receive one type of information when the preference of the user has been retrieved (page 3, paragraphs 0057, 0058).

With regard to claims 4 and 5, Ohishi et al. disclose "the interactive voice response device tabulates information provided to a given user in the past and provides audio guidance customized for the user based upon tabulation results" (see page 4, paragraphs 0080, 0081).

With regard to claim 6, as discussed herein, the conversation between the user and the voice response of the navigation system is stored in the on-board vehicle system and that the contents of the conversation are indicated to the user.

#### ***Response to applicant's arguments***

Applicant's arguments filed 08/05/2005 have been fully considered but they are not persuasive.

The applicant argues that the reference to Ohishi et al. does not disclose that the navigation system includes an information storage device that stores a plurality of different type of information to be provided to a plurality of on-vehicle apparatus as

claimed. It is not persuasive since each database shown in figure 2 of Ohishi et al. stores different types of information. For example, the user preference database includes the information regarding recreation, dinning, and relaxation; user selection history database stores the history data, recreation types and areas for the “creation preferences” which have been selected by a user. When a keyword is identified as “recreation”, the destination supposition and suggestion processor (78) refers to the user’s preference database (75). Next, the database (77) stores facilities information, for example, department stores, banks, restaurant, public facilities, etc., and that the PDA (21) is considered as a device map obtain such information, (Ohishi et al., figure 5; page 3, paragraphs 0046, 0047). According to this teachings, Ohishi et al. certainly read on the limitation “information storage device that stores a plurality of different types of information to be provided to a plurality of on-vehicle apparatuses”.

The applicant also argues that “Ohishi et al. do not specially describe an interactive voice response device having a speech recognition function for providing audio guidance that edited in advance for each user, and engaging in a dialogue with a user through an automatic voice response via a telephone line”. The examiner has carefully studied the prior art and then realized that Ohishi et al. teach the spoken utterances recognition unit (61) that has the function of recognizing speaker’s voice. When a key word spoken by a user is recognized via the unit (61), an audible response is generated. For example, when the driver says “Do you know where somewhere exciting”, then the audio guidance is “Would you like information about a sporting event”

(see page 3, paragraphs 0054, 0058). Therefore, the audio guidance automatically response when a key word from user's speech is recognized.

***Conclusions***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tc

January 06, 2006

JACK KEITH  
SUPERVISORY PATENT EXAMINER